[Mr. A. S. Damodaran Asan.]

voice. It is the interested party that fixes the fees. It is only right that Government should take up the responsibility. What I am submitting is, that it is not proper that power should be vested in the Bar Council. The persons who are benefited by the taxation are given the power to tax. That is not right. In British India, we do not have any provision corresponding to that in Clause 8 (2). So there is no practical difficulty there. I submit that it is against principle.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the principle involved in this clause is that the Council should have power to make rules for charging fees in respect of enrolment. The Council is a body set up by the lawyers who form the electorate. It goes without saying that this Council should have some funds. The principle involved is therefore unobjectionable. Mr. Asan has pointed out some inconsistancy with the provision in Clause 8 (2).

PRESIDENT: Order, order. It is half-past-three, and we have the adjournment motion of Mr. Kuriakose to consider.

ADJOURNMENT MOTION.

POLICE EXCESSES AT RAMANGALAM.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, there are two motions. May I deal with them together or separately?

PRESIDENT: You may deal with both the points as one motion.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know what time will be allowed?

PRESIDENT: I dare say the honourable member is certainly capable of compression.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, I rise to move the adjournment of the House to discuss a definite matter of urgent public importance viz., the serious situation created by the recent terrorising misdeeds, such as indiscriminate lathi charges on innocent people, extortion of money, assaulting women and children etc., of a batch of reserve police stationed at Ramangalam in Muvattupuzha taluk, which has caused grave apprehensions among the innocent, peaceful and law-abiding inhabitants of Ramangalam and the surrounding places and also to discuss the serious unrest caused recently at the western frontier of the State, especially in the Piravam Excise range, as a result of recent struggles between the Excise staff and the smugglers owing to the want of proper and inadequate preventive measures in the frontier.

My motion contains an admission that there is a good deal of smuggling going on in the western frontier of the State, namely, in the Piravam Excise Range. There is no difference of opinion with regard to that. As a man of the locality I know that smuggling on an organised scale is going on in that locality. I am only sorry that Government have not been alive to the situation and have not put a stop to this. I shall deal with the various causes that lead to such organised smuggling resulting in heavy loss to Government and trouble to the people of the locality.

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The first thing that I am going to do is to narrate the unhappy incident that took place a few days ago at and around the neighbourhood of Ramangalam. There is much disquiet and discontent among the people on account of the behaviour of a batch of the Reserve Police there. Sir, it happened like this. On Sunday evening, the 3rd of Kumbham, a batch of Reserve Police started from Ramangalam in Muvattupuzha taluk in a police van. They crossed the river and travelled up to the western frontier, namely, Vettikkal a distance of nearly nine miles. I am sorry to say that they assaulted many a man and woman that came across their way from Ramangalam right up to Vettikkal. Sir, this is an incident of which the Government as well as the department should be ashamed of. This is a matter we cannot pass over lightly.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the Police charged the smugglers or the peaceful passers-by?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I was quite clear in my statement that they charged the innocent people of the locality that came across their way.

MR. S. J. NAIR (*Nedumangad*): May I know whether the smugglers also were in the crowd?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I do not think so. If so they ought to have been arrested.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know where the western frontier is?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): The frontier is in the taluk of Muvattupuzha. It is very near Tirppunithura or Mulanthuruthi in the Cochin State.

On the evening of 3rd Kumbham, about 150 people were subjected to *lathi* charges and assaults by the Reserve Police consisting of about 20 men. I hope the Police Commissioner will give the correct number.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether they were charged individually or when they were assembled together?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Many of them were charged individually, and some of them collectively at one particular place Thiruvanioor, where there is a small market.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether they collected together to give aid to the Police or to the smugglers?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): There was no question of giving aid to either party. People walking along the road were assaulted without any cause. All that happened between Ramangalam and Vettikkal.

On the 4th of Kumbham I was attending the meeting of the Select Committee on the Kammala Bill in Trivandrum. Some people of my locality ran up to me with alarming news and I returned to my place immediately. I met the Police Commissioner on my way

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[Mr. K. M. Kuriakose.]

Kottayam. He was willing enough to accompany me to to the spot. On the 5th evening we were at Muvattupuzha and on the 6th we were in the troubled area. Had it not been for the timely action taken by the Police Commissioner, much more mischief would have been done by the Reserve Police. Our thanks are due to him.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): What has the Police Commissioner done to give the member so much satisfaction?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): He went to the spot immediately, received petitions and statements from the assaulted people and gave specific instructions and warning to the Reserve Police that they should not go out of the way or do undesirable things. Hence I do not think they did all these with the sanction of the Commissioner because he expressed his regret on the spot and promised to punish the culprits.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know—

PRESIDENT: I see that a great deal of interest is evinced in this matter and interrogations are administered to the mover of the motion. But I am afraid that, notwithstanding the undoubted capacity of the member, these interrogations may deflect his thoughts and expressions. So, will honourable members ask questions only when absolutely necessary?

The member may proceed.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): The Police Commissioner came to the spot and has taken all possible precautions. The wonder of it is that, when I came over to Trivandrum and talked about this matter to some of the members here, they were telling me that this is being done generally by the Reserve Police wherever they go. I think such statements coming from experienced and responsible members cannot be overlooked. I cannot keep quiet over the matter.

PRESIDENT: Does the honourable member propose to draw the attention of the House to the incident on the frontier or to the chronic habit of the Reserve Police?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, had it not been for the chronic habit, such an incident would not have taken place.

PRESIDENT: The chronic habit may form an apt subject for a resolution or motion on the budget, but not for an adjournment motion.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I referred to it incidentally because I wanted to submit the opinion of responsible members of this House. Anyhow I shall not dwell on that point further.

Sir, the circumstances that led to the bringing down of this batch of the Reserve Police to Ramangalam, as far as I understand, was this. A case of tobacco smuggling was detected by the Excise people in the month of Dhanu at Vettithara and in that connection, it was reported,

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that both sides attacked each other. It was on the 2nd of Kumbham that this batch of Reserve Police was brought down at Ramangalam. I cannot understand the immediate necessity for bringing them down there. I don't know if it is now intended to establish them permanently there. If it was to avoid a counter-attack on the Excise by the smugglers, then, I am afraid, they were too late. Not only that, the places that fell a prey to the attack of the Police were not in the immediate neighbourhood of the scene of action of the smuggling case referred to, but something like 9 or 10 miles away.

Now Sir, what are the causes of this organised smuggling? It will be seen that the chief article smuggled is tobacco. The price of a pound of ordinary tobacco in the Cochin State is about 3 as. while it is about 12 as. here.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Is all that relevant to the issue before the House?

PRESIDENT: He is leading up to the motion before the House. Let there not be any misconception about the matter. The two motions raise a question relating to a matter arising out of a recent occurrence. That recent occurrence is the real subject of the motion. The two motions indicate two aspects of the same subject; and I therefore allowed them to be clubbed together. And, as was pointed out in the course of the discussion, a certain amount of narrative may be necessary to lead up to the motion. But a general discussion of Excise policy may not be quite apposite.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I was only referring to some of the causes. The Excise Department is aware of this abnormal difference in the price in the two States which is sufficiently enticing enough for any poor man to take to smuggling as a profession, in these days of depression and poverty. As a result of this, smuggling cases are on the increase, as was stated by the Excise Commissioner in answer to a question of mine on a previous occasion.

Secondly, the frontier is completely unprotected. There are not adequate preventive measures in the boundary. This matter ought to have engaged the attention of the Government early enough. If so, these unhappy incidents would not have occurred. It is only when there is the possibility of doing mischief that such things happen. Prevention is always better than cure. Therefore, I request Government to find effective means of eradicating the causes that led to such unhappy incidents.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): And the help of the Police is one of the means of eradication, I believe.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I expect an answer from the Commissioners of Police and Excise about the necessity for bringing down the Reserve Police there.

MR. N. E. VARUGHESE (*Tiruvala I*): May I know whether the the member is in a position to suggest preventive methods as far as the frontier is concerned?

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PRESIDENT : That is an incentive to further irrelevance. (*Laughter.*)

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Sir, I may be permitted to make a few observations on that point.

PRESIDENT : That was just what I was ruling out.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I shall strictly confine myself to the points connected with the particular incident.

PRESIDENT : Quite so.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Only those who had actually visited the locality can understand the seriousness of the situation. The effect of the attacks was disastrous, so much so, even innocent people actually fled to the Cochin frontier. The Reserve Police was brought to capture the smugglers; but the latter escaped beyond the frontier. The innocent and law-abiding people who remained in the locality were severely dealt with by the Police. It was really terrible that the Police who came to bag the smugglers, should have thrashed the most innocent people of the locality.

PRESIDENT : Is it the point of the member that the smugglers went scot free and the innocent were punished ?

MR. K M. KURIAKOSE (*Muvattupuzha II*) : Yes, Sir. So far it is only that.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : May I know whether any real harm was done ?

MR. K. M. KURIAKOSE (*Muvattpuzha II*) : Only innocent people were caught by the Police men.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know how the member came to the conclusion that the persons who received blows were innocent ?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I am a man of the locality. I know that many people who suffered punishment at the hands of the Police were very respectable men. Nobody could ever suspect them of any smuggling.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : May I know whether there is any justification for the Police beating even the smugglers ? (*Laughter.*)

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : No. I am thankful to Mr. Thanu Pillai for having brought out that point. The Police could simply arrest the smugglers.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Is it a fact that the innocent bankers were threatened by the Police ?

MR.K M. KURIAKOSE (*Muvattupuzha II*) : Fortunately or unfortunately there are no bankers in the locality which is purely a village. But money was extorted from some private individuals. I have spoken to the Commissioner of Police about this matter.

MR. K. R. ELENKATH (*Kakulam I*) : Was any England-returned man troubled in this connection ?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : He was also one of the victims.

MR. K. PADMANABHAN (*Chirayinkil I*) : Will the member be satisfied with the action taken by the Commissioner of Police in this matter ?

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MR. K. M. KURIAKOSE (*Muvattupuzha II*) : So far as the preventive measures are concerned, the Commissioner has done something. But if there is a repetition of the occurrence, what are we to do? Who will guarantee that the Police will not repeat atrocities? From where are we to get that assurance?

MR. K. PADMANABHAN (*Chirayinkil I*) : May I ask the member whether the Police Commissioner has conducted any enquiry into this matter?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): As far as I know he made certain enquiries at the spot.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether anybody was punished as a result of that?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I am not aware of that as yet.

MR. K. PADMANABHAN (*Chirayinkil I*): In such circumstances, are we not to presume that nothing wrong has taken place?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): How that follows I do not see.

PRESIDENT: However generous the latitude of cross-questioning might be, it does not admit of a full argument being supplied in the form of a question.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : As regards the atrocities done by the Police in general, I think that I need not dilate on them. The statements collected at the spot by the Commissioner will testify to them.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : How did the innocent women and children get mixed up with the guilty persons?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : It is not a question of mixing up. The Reserve Police, while travelling in the area, caught hold of whomsoever that passed the way. They did not get at the real smugglers. If so they would have arrested them.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Was it with a view to prevent the people of the locality from resorting to smuggling that the Police resorted to terrorising?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : That will be attributing motives to the action of the Police, which I am not prepared to do.

MR. M. SIVATANU PILLAI (*Tovala*) : Was there any case of extortion of money?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Statements have been supplied to the Commissioner to that effect.

MR. M. SIVATANU PILLAI (*Tovala*) : By whom?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): That is the greatest difficulty in the matter. I am not able to give out the names of particular individuals.

MR. M. SIVATANU PILLAI (*Tovala*) : Do they belong to the Police force.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): There is sufficient materials available for instituting a Committee of enquiry for this purpose. That is my point.

MR. M. SIVATANU PILLAI (*Tovala*): By whom was the extortion made?

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PRESIDENT: The honourable member will remember that, unless he is willing to answer questions he need not yield his place, and unless he chooses he need not answer questions.

MR. M. SIVATANU PILLAI (*Tovala*): About the extortion of money, what I want to know is, whether it was by the Police or by somebody else?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): All that I can say now is that extortion of money actually took place. Whether that was by the Reserve Police, or by the Excise people, or by the local Police, that is a matter for enquiry. It was such a confusion of all elements.

PRESIDENT: Money passed, but the member cannot say from whom to whom.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Either the Police or the Excise people must have done it. I am sure, it must have been done by either of the two. So, what I urge is that a committee should be appointed to thoroughly enquire into the matter of the organised smuggling and of finding ways and means of putting down corruption. Now, it is possible for any man living in the frontier being caught as an accused. Life has become so unsafe in the frontier. Innocent people are being persecuted on mere suspicion. That is the state of things obtaining in the frontier. Any man there is always at the mercy of the lowest Excise peon.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I ask the member whether the smugglers were the people of the locality, or outsiders?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Some are people of the locality. There are also people in the far eastern parts of the taluk where the consumption of the smuggled tobacco actually takes place. In the distant eastern parts of Muvattupuzha taluk, there are smugglers who could not even be traced.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): This is a valuable piece of information. May I take it therefore that the member is in a position to point out the persons involved in smuggling.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): As for that matter, I am prepared to offer any assistance in that direction although it may not be possible for me to give their names at present.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Then, may I know, whether the member is prepared to leave the disposal of the question entirely in the hands of the Police Commissioner, who I understand, has studied the situation with the help of the member.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): No, Sir. Many important points have been raised in this discussion so far. I do not think that the Police Commissioner will be able to arrive at a satisfactory conclusion by himself. That is why I suggest that the Government should go into the whole question of the prevention of smuggling as well as the defence of the frontier.

PRESIDENT: Does the member suggest a committee for that purpose?

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MR. K. M. KURIAKOSE (*Muvattupuzha II*): That is my suggestion This committee should be empowered to enquire into the present incident also.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the aggrieved have preferred any criminal complaints with regard to these incidents?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): They have not gone to any court of law yet. That matter was also considered; but there are practical difficulties in going to a court of law especially against the Police. The names of people actually guilty have to be ascertained. Mr. Velayudhan Pillai, I hope, as a criminal vakil may well appreciate the difficulties in regard to that course.

PRESIDENT: I suppose you mean, a vakil practising in criminal courts. (*Laughter*).

MR. K. M. KURIAKOSE (*Muvattupuzha II*): It is difficult to go to a court of law in matters like this where the identity of the offenders cannot be traced.

MR. M. SIVATANU PILLAI (*Tovala*): Are the assaulted persons being treated in hospitals?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Yes, I hope the Commissioner of Police will say all about that in his speech.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether those hospitals are Government institutions or private ones?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): The Commissioner of Police went to the Salvation Army Hospital at Varikoli and enquired into the matter. I know he took statements from the patients as wel as from the Doctor.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Has the member any idea of the number of persons actually injured?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Of about 150 people attacked, as many as 70 people have given statements before the Police Commissioner. It is also a point for consideration how within a short time after the arrival of the Commissioner of Police, those statements were taken.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I ask, how many are in hospitals undergoing treatment?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I cannot say the exact number; some are already in-patients there while others are being treated as out-patients.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know the strength of the Reserve Police that was involved in the incident?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Twenty-two.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Under whose charge were they?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Under one Inspector.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know whether any influential men of the locality are involved in smuggling?

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MR. K. M. KURIAKOSE (*Muvattupuzha II*): I do not follow the member.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Do the people of the locality generally support these smugglers.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): No decent man will ever do that.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): What does the member mean by decent?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Exactly in the same way as the member has understood my statement.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): So, the position is that the member does not know who attacked the innocent people, who extorted money and all that, and he expects the Police Commissioner to supplement his arguments.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): As I said in the beginning, I am not aware of the names of particular individuals. Let the authorities inquire. I have nothing more to add. Sir I move the motion.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, in support of the motion, I have to say a few words. Mr. Kuriakose has placed certain facts before the House. They appear to be grim, and the House has to consider what the real facts are. Whatever may be the nature of the officers given by the honourable member when he was pressing his motion to the attention of the House, I may say, Sir, that the conditions in the frontier of Travancore and Cochin are far from satisfactory. I have got personal knowledge of conditions in those places. For serveral years I have reflected upon those matters. There is the very solid fact that Cochin appears to consume more tobacco than it can legitimately do considering its population. The reason is that the people buy more tobacco than they need and send the bulk of it down to Travancore. Everybody knows it, and ought to know it. That is an old trouble in Travancore; and some sixty or seventy years ago the Dewan himself had to take personal interest in the matter of detection of smuggling of tobacco. At that time, possibly smuggling went on unchecked. As a result Dewan Madhava Rao went there and personally conducted enquiries. Dewan Peishkar, Mr. Sankunni Menon, tried to bag these smugglers night after night.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Did he go there alone? (*Laughter.*)

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): I am surprised at such a question because the Dewan is not a nonentity; he is a man who has got attendants. When the Dewan goes to detect cases of smuggling, being a sensible man, he will take the necessary precautions. So, that question, I consider, is unnecessary.

PRESIDENT: Is it a suggestion to the Dewan for action? If so, it may become irrelevant.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, I think, even in putting questions, there must be some seriousness.

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PRESIDENT: It is open to the member to yield his place and answer questions or to continue, as he pleases.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): With your permission.

PRESIDENT: It is your right, and does not require my permission.

MR. P. C. KURIYAN (*Kottayam I*): Does it not?

PRESIDENT: It is not the right of any member to have his question answered if the member in possession is not willing to answer it.

MR. P. C. KURIYAN (*Kottayam I*): The honourable member made an allegation that questions were not being asked in seriousness.

PRESIDENT: Considering the fact that he is holding a responsible position in this House, what he says must be charitably considered; he only wanted the honourable members to be serious. I take it that that was his object.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): There has been a ruling that when questions are put, if one was able he must answer and not that he was not willing to yield.

PRESIDENT: There are many ways of expressing inability. The honourable member will proceed.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum - Urban*): If questions are put at the end of my speech, I am prepared to answerthem.

Life in the frontier is very hard. These smugglers very often make common cause with some of the subordinate officers of the department. I know there have been various instances in which the Police and the Excise subordinates were pulling in opposite directions. Therefore I can very well understand the situation explained by Mr. Kuriakose. The atmosphere of smuggling provokes mischief. Tobacco is brought into Travancore in very large quantities. There are what are called the *verumkaikarans*, persons who carry only the weapon of offence and walk, some in front and some behind the persons carrying the smuggled tobacco, as a sort of protection. There will be as many of these protectors as there are people who carry the smuggled tobacco on their head. In the frontier, and in the adjoining places, there is no security of life. (Mr. K. M. Kuriakose, *hear, hear.*) Many of my friends here may not be able to realise the atmosphere in the frontier especially when these serious offences are committed there. My friends who represent other constituencies are, by the blessing of God, in an atmosphere of peacefulness. In olden days the Travancore Government used to send out military men to these places. In those days there was great fear. The Excise officers who have got to protect the interests of Government, have not got enough powers to prevent these offences. They do not strike any terror, and ordinarily, the Police do not help the Excise. When there is a serious situation, the Excise and the Police naturally join together. So, a very very careful enquiry has to be made. Something must be done to protect our frontiers from the smugglers, and from unnecessary invations of a character not in keeping with the dignity of the State so that the subjects of His Highness the Maharaja may have peace. An enquiry may be necessary.

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MR. A. THANU PILLAI (*Trivandrum—Rural*): What Mr. Kuriakose wants is protection from the Police.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): I realise that. I merely wanted to put forward certain facts which would enable the House to come to a conclusion. So, I consider that what I said is germane to the subject under discussion.

MR. K. R. ELENKATH (*Kalkulam I*): I rise to support the motion before the House. It is because the ways by which smuggling is detected are defective that the Police have been led to overdo. By a system of efficient C. I. D. work, smuggling can be prevented to a considerable extent. There are C. I. D. Inspectors who are specially deputed to help the Excise Department. Is it not therefore, disgraceful to that department to go in for the aid of the Police? I realise that there may be smuggling going on. My view is that we might rather let several of these smugglers go on, than suffer even a single innocent individual being punished. I have with me a letter from a person who was not only an eye witness but a victim. He is a responsible person who has spent two years in England. With your permission, I shall read just some portions of that letter.

"കഴിഞ്ഞ ഞായറാഴ്ച അതായത് ഫെബ്രുവരി 7-ാം തീയതി എന്റെ സ്വദേശമായ കന്യാകുമാരി താലൂക്കിൽപ്പെട്ട തിരുവാണിയൂർപന്തി എന്ന സ്ഥലത്ത് റോഡിൽ നിന്നും ഏകദേശം അൻപതു വാര അകലെ സ്ഥിതിചെയ്യുന്ന ഒരു ആൽത്തറയിൽ വൈകിട്ട് 6 മണിയോടുകൂടി എന്റെ ഒരു പരിചിതൻ മി: പി. ജി. കൃഷ്ണപിള്ളയും ഞാനുംകൂടി സംസാരിച്ചുകൊണ്ടിരിക്കുകയാ ണ്. വടക്കുനിന്നും അപ്പോൾ ഇരമ്പുവഞ്ചിയിട്ട് സംരക്ഷിച്ചിട്ടുള്ള ഒരു പൊലീസ്ബസ് പൊടുന്നനവെ അവിടെവന്നു നിലയായി. ഉള്ളിൽനി ന്നും ആരും പുറത്തുവരാതെയും, എന്നാൽ നിരത്താതെയും ഏകദേശം അഞ്ചു മിനിട്ടു സമയത്തോളം കഴിഞ്ഞു. അന്നു ഞായറാഴ്ചയായിരുന്നതിനാൽ വളരെ കുറഞ്ഞ ആളുകൾ മാത്രമേ ആ സ്ഥലത്തപ്പോൾ ഉണ്ടായിരുന്നുള്ളൂ. ആണും പെണ്ണും കുട്ടികളും വൃദ്ധന്മാരും ഉൾപ്പടെ മുപ്പതോളം വന്നിരുന്ന അവർ വെറും ജിജ്ഞാസയാൽമാത്രം പ്രേരിതരായി ആ ബസ്സിനു സമീപം അടുത്തുചെന്നു. ബസ്സിനകം പിൻപിലത്തെ വാതിൽ തുറക്കപ്പെട്ടു. ലാത്തിധാരികളായ 6 ൽ ഓളം പൊലീസുകാർ കുതിച്ചു പുറത്തു ചാടി. അവരോടുകൂടി എക്സൈസ് സി, ഐ. ഡി. ഇൻസ്പെക്ടരും പുറത്തുവന്നു. കൂട്ടമായി പൊലീസുകാരെ കണ്ടതിൽ അമ്പരന്ന കണ്ണുരുണ്ട വാപൊളിച്ചു നിന്നുപോയ ആ വെറും ഗ്രാമീണരുടെയിടയിൽ പൊലീസുകാർ പ്രേതാവേ ശം സിദ്ധിച്ചവരെപ്പോലെ ചാടിക്കയറി. ലാത്തികൾ ഉയർന്നു. അടി യും തുടങ്ങി. ആണെന്നോ പെണ്ണെന്നോ വ്യത്യാസമില്ല. കുഞ്ഞെന്നോ വൃദ്ധനെന്നോ നോട്ടമില്ല, അടിതന്നെ അടി. ചിലർ ഉരുണ്ടുവീണു. മറ്റു ചിലർ ഭയന്ന്ഓടി കേണപേക്ഷിച്ചു. ചിലർ ഓടി. ഒരു ചെറിയ ജലി യൻവാലാ രംഗം അവിടെ അരങ്ങേറപ്പെട്ടു. വീട്ടിനുള്ളിൽ കയറിയ വരെ വലിച്ചിറക്കിത്തല്ലി. അടുത്തുള്ള ഒരു കുളിഷാപ്പിനകം ഉള്ളിലേക്കു പത്തിരുപതു പൊലീസുകാർ ഇരച്ചുകയറി. ഒരാറാം വാതിൽമാത്രമുള്ള ആ ചെറുകെടിപ്പിനകം ഉള്ളിൽ നടന്ന കൃത്യങ്ങൾ എന്തെന്നു ഞാൻ കണ്ടി

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ല്ലെങ്കിലും, അവിടെനിന്നും ഉയർന്ന നിലവിളിയും ആരവവും കൊണ്ട് ഏകദേശം ഊഹിക്കാൻ സാധിച്ചു. ഈ സമയം പുറത്തുനിന്നിരുന്ന വൃദ്ധ പോലീസുകാർ എന്നെയും എന്റെ സ്നേഹിതനേയും കണ്ടു. വേട്ടനായ്ക്കളെപ്പോലെ അവർ ഞങ്ങളുടെ നേരെ പാഞ്ഞടുത്തു. ചിന്തിച്ചുറപ്പിച്ചിച്ച ഈ പോലീസുപിശാചുക്കളിൽനിന്നും ഓടി അകലുന്നതായിരിക്കും സുരക്ഷയെന്ന തോന്നിയ ഞങ്ങൾ എണീറ്റ ഓടി രക്ഷപ്പെടുവാൻ ശ്രമിച്ചു. അവർ ഞങ്ങളെ ക്ഷണത്തിൽ വളഞ്ഞു. എന്റെ സ്നേഹിതൻ മിസ്റ്റർ കൃഷ്ണപിള്ളയ്ക്കാണ് കൂടുതൽ അടികിട്ടിയത്. എനിക്കു രണ്ടോ മൂന്നോ പ്രഹരങ്ങൾ കിട്ടി. അപ്പോഴേയ്ക്കും ലോറിയുടെ ഉള്ളിൽനിന്നും ഒരു വിസിലടിയുണ്ടായി. കോൺസ്റ്റബിൾ. "പോലീസുകാർ അടിനിറുത്തി ബസ്സിൽ കയറി. ഉടനെതന്നെ ബസ്സ് വിട്ട നേരെ കിഴക്കോട്ട പോകുകയും ചെയ്തു."

PRESIDENT: Has a case been filed?

MR. K. R. ELENKATH (*Kalkulam I*): Not yet. Sir, the letter goes on and says how the Police Commissioner came to the spot, enquired into the matter, and all that. But nothing more has happened. That letter is from a person who cannot be expected to utter falsehood. I think these are matters which ought to be very seriously enquired into. In that part of the country, even the fundamental rights of citizenship are not being cared for.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know the name of the author of that letter?

MR. K. R. ELENKATH (*Kalkulam I*): Mr. J. P. Injappiri. In recent years, there has been no parallel for such a brutal assault. I remember the days of the students' strike. Even there the action of the Police can be justified in one way; a large number of students were beaten because they mingled with the rowdies who were responsible for the unfortunate occurrence. In this case, the Police atrocities were committed in a small building and that did not take place in that particular spot alone but along all the way, for about 9 miles. My point is is that the Police men and officers who were responsible for these acts seem to have had no consideration or fear for the authorities controlling them. For the success of the Police administration, the most essential thing required is to create a sense of fear among the minds of the subordinates. On behalf of those thousands of people who are afraid of what may happen tomorrow, I implore you Sir, and this House to see that such misdeeds are not lightly viewed, and very exemplary punishment is awarded to those responsible for such excesses.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I wish to offer a few remarks. I find from the first motion, that it relates to the serious situation created by the indiscriminate *lathi* charges, *etc.*, by the Police. With regard to the second motion, that is in connection with a quarrel on the frontier between the smugglers and the Excise officers as a result of which serious unrest exists on the North Western Frontier of the State, I heard the mover say that prevention was better than cure. And that instead of necessitating struggles and clashes between smugglers and the Excise force, it was better to prevent the possibility of

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[Mr. K. R. Elenkath.]

smuggling itself. I think that is a very philanthropic attitude, and a very kindly attitude taken even towards smuggling. I think the member takes a socialistic view of the smugglers. He considers it as a disease which should not be met by any strong action by the Excise or the Police forces, but must be prevented by reducing the possibility of smuggling. Sir, human ingenuity had not found adequate means to surpass the ingenuity of persons intent upon avoiding the law and committing depradations.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Is the member aware that there is absolutely no reasonable or sufficient means in the frontier to prevent smuggling?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Yes, I am aware that provisions to prevent smuggling are not adequate. But I am also aware of the fact that there are provisions in the frontier to prevent smuggling and my honourable friend, the Deputy President, who is well versed in the ancient history of the State, referred to incidents which occurred 6 or 7 years ago. I myself had occasion to draw the attention of Government—I think it was in 1107— to leakage of revenue by smuggling. I am glad to find that the department and the Government have taken action from time to time; and at present various new devices are adopted to prevent smuggling. In the budget provisions, we find allotments for a flying squad and for installing a large force of C. I. D. men.

PRESIDENT : The honourable member may perhaps be interested to learn that we are losing Rs. 10 lakhs every year on account of this smuggling of tobacco.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I have pointed out in the case of *beedi* tobacco that smuggling exists at Quilon and Trivandrum Chowkeys and action has been taken in the frontier to prevent the smuggling of *beedi* tobacco which was regularly going on there. But it must be admitted that people living in those northern frontiers evince a sort of sympathy for the smugglers. There is a large body of people who have not the civic conscience to take a bold stand against the smugglers. It will be noticed Sir, that sometime ago, during 1109, more than 30 bundles of smuggled tobacco found shelter in a Church. The Excise Officers had to force open the Church and cause them to be taken out. What does that show?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I challenge that statement.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): This is a matter that cannot be challenged. I say this merely to show that the people lack in civic conscience so much that they are not in a position to co-operate with the Government in these matters and the officers responsible for the prevention of smuggling have to undergo a lot of difficulties. But, I don't think all these details regarding smuggling are relevant to the motion on hand. The question is whether there has been any terrorising on the part of the Police officers. Allegations have been made,

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and letters have been read; but I don't know whether they are all true. I have also been able to get petitions and counter-petitions with regard to this matter. One body of people say that the Reserve forces should be sent away. Another body say that, for adequate protection, they are necessary.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know from the member whether he has received any petition stating that the Reserve forces should be sent away?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes, I have received petitions stating that the Reserve forces should be withdrawn. The question is whether such incidents *have* occurred. That ought to be enquired into. But, for that, I don't think any committee is necessary.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I did not say that a committee is necessary to enquire into this one aspect alone. But the whole problem of the frontier must be thoroughly investigated by a committee and a satisfactory solution suggested.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I beg to say that question is different from the one that has been raised by this motion. The question here is not with regard to the prevention of smuggling. Here, I am at a question regarding the irregularities attributed to the Police and the Excise officers. From the statement made by the honourable member he seems to have been satisfied with the action of the Police Commissioner and the arrangement made by him for the future. Nothing has been said by the member against the Commissioner or the Police force. There is no specific charge or complaint of any irregularity against the officers concerned, when it is alleged that so many respectable persons were assaulted. What I ask is, why not these people go and prefer complaints againts these officers? That will be the best way by which they can serve the object in view. The question of smuggling and these alleged assaults have been mixed up in the course of the discussion. The only question is whether there has been any misconduct on the part of the Police. If so action must be taken; and the public must co-operate with Government to bring the culprits to book. As to the the second motion, what we want is not any palliative measures the very sources of the evil of smuggling should be destroyed. If there is smuggling, the least traces of it should be ruthlessly stamped out.

MR. C. O. MADHAVAN (*Excise Commissioner*): Sir, I am very glad of the opportunity afforded to me for explaining the real difficulty which my department experiences in the frontiers. As Mr. Kuriakose said, I may frankly confessed that preventive measures on the frontier are inadequate. The first part of the motion relates to a matter with which I am not concerned. The second part of the motion by which Mr. Kuriakose draws the attention of the House to the inadequate preventive measures in the frontier is the only subject on which I wish to speak.

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[Mr. C. O. Madhavan.]

Smuggling of tobacco from Cochin to Travancore is, I may say, at least 70 years old. Till about the year 1863 the tobacco revenue system was the same both in Cochin and Travancore. Both in Cochin and Travancore, the supply and sale of tobacco was kept as a Government monopoly. There was absolutely no smuggling then. But, after 1863, that is about the time when we entered into the Interportal Trade Convention, this system was changed. Travancore adopted what is called the import duty system, and Cochin adopted the system of disposing of tobacco shops by auction. The present system in Cochin is the disposal of shops in auction for two years, at a time, just like our abkari auctions. They have got two classes of shops *viz.* A class and B class. The A class licensees in Cochin are entitled to bring as much tobacco as they want from outside and sell them to B class or retail shops. The rental that he has to pay to the Government is fixed at the time of the auction and that has absolutely no bearing upon the quantity of tobacco imported by him. The profits that he can make will therefore vary in direct proportion to the quantity handled by him. The more he imports, the greater will be his profit. The licensees in Cochin have therefore a great temptation for passing on to Travancore, through the smugglers as much tobacco as they can. Travancore levies a duty of Rs 120 on every candy of Coimbatore or Tinnevelly tobacco. The difference in the price of a candy of Coimbatore tobacco between Travancore and Cochin may therefore be roughly estimated at Rs. 120. So a man who successfully effects the smuggling of one candy of tobacco from Cochin into Travancore makes a profit of over Rs. 100. This is the position.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Which is the better system, that prevailing in Cochin or in Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): From the revenue stand point, I may say that our system is infinitley superior. In spite of smuggling, we are getting over Rs. 20 lakhs on Tinnevelly, Coimbatore and Jaffna tobacco, while Cochin with a population of nearly one-fourth is getting only between 2 and 3 lakhs.

MR P. C. KURIYAN (*Kottayam I*): May I know from the member the average consumption of tobacco per head, in Cochin and in Travancore?

PRESIDENT: I trust that the honourable member can give the figures.

MR. C. O. MADHAVAN (*Excise Commissioner*): The average consumption per head in Cochin may be taken to be 15 lbs., while in the Parur taluk it is only 1·5 lbs.

PRESIDENT: And in Nagercoil?

MR. C. O. MADHAVAN (*Excise Commissioner*): In Nagercoil it is over 10 lbs. From that the House may form an idea of the extent to which smuggled tobacco is consumed in Travancore.

The responsibility thrown upon my department is very heavy. My men in the frontier are very few compared with the long frontier

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line, the difficulties in those areas and the great odds they have to face. The frontier line in the Parur Division alone is about 200 miles, and the frontier in the Piravom Division is not easily accessible. Even during day time it is difficult to walk along this frontier. Soon after I took charge of the department I wanted to see for myself all the difficulties my men had to face there. I walked along the whole frontier. I know every inch of ground in that frontier. In addition to the natural difficulties, it has to be said that the men have to work among a population mostly hostile. The people generally consider it an honest profession to cross over to the Cochin frontier and smuggle tobacco into Travancore. Some of the people sympathise with us in our difficulties; but they are afraid of helping us against the smugglers. To give any information regarding the smugglers is considered a sin; even priests have expressed that opinion to me.

MR. M SIVATANU PILLAI (*Tovala*): May I know whether the member requisitioned the Reserve Police to be sent?

MR. C. O. MADHAVAN (*Excise Commissioner*): Not exactly that. There was a recent occurrence of high-handedness on the part of the smugglers in the frontier. A band of smugglers numbering over one hundred fell in with a small body of Excise men. At the first alarm the smugglers ran away leaving the bundles of smuggled tobacco. The Excise men were able to arrest one smuggler and collect 28 bundles.

MR. A. THANU PILLAI (*Trivandrum-Rural*): What would be the cost of those bundles?

MR. C. O. MADHAVAN (*Excise Commissioner*): Ordinarily, a bundle may weigh about 50 lbs. The duty alone on the 28 bundles will come to about Rs. 300.

The smugglers brought torches from the neighbouring houses, watched the Excise men from a distance and found out that they were only a handful. So, they collected stones and began throwing stones at the men. The Excise men were armed with rifles and cartridges but the cartridges were soon exhausted, and they were at the mercy of the smugglers. So, taking two bundles and the arrested smuggler, they ran for shelter in a neighbouring house. That incident involved the commission of very serious offences under the Penal Code. I was duly informed of it. I knew that the Police would have taken up the matter; but as I got the information and as I saw that the matter was very serious, I wrote to the Police Commissioner to see that necessary orders are issued to his subordinates. He considered that Reserve force was necessary. It was for him to decide whether or not he should send a Reserve force.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I would like to know the names of the priests who considered it a sin to give information about the smugglers?

MR. C. O. MADHAVAN (*Excise Commissioner*): I do not want to give out the names here, Sir.

In the frontier, my men are faced with very many difficulties. In the first place, there is no easy means of communication along the

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frontier. The stations are few and far between. The number of men in each station is inadequate. All these matters have been considered and are still under the consideration of Government, and Government are taking adequate steps to meet the situation. It is all a question of money.

If the House would grant adequate funds, it is quite possible to completely stop smuggling.

I shall explain to the House the action which I have taken from time to time to check the increased activities of smugglers.

PRESIDENT: At the present moment we are concerned with a particular incident. Matters mentioned by the Excise Commissioner are of value in understanding what led to his asking for Police assistance. Now I shall call upon the Police Commissioner to offer his remarks.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Sir, sometime last month, a serious case of assault on the Excise people, attended with forcible taking away of smuggled tobacco, was reported in the Muvattupuzha Station. It was a case of dacoity. The Excise Commissioner approached me. He said that the smugglers were in large numbers, and his force being quite unequal to the task of apprehending the smugglers, he wanted Police help. I then telegraphed to the Inspector there. Whether the offenders had been arrested was not known. Three weeks had passed and the Excise men were helpless in the matter.

Then only I thought of rendering substantial assistance to the local Police by sending the Reserve Police. The object with which I sent the Reserve was simply to apprehend the dacoits. A couple of days after the Reserve Police was sent I also went there. I looked into the case diaries, and had conversations with the Police and other local officers, and ascertained facts in the locality. The facts were these. To detect the smugglers a band of Excise men had gone; and they came in contact with a large number of smugglers who, seeing the smallness of the Excise party, over-awed them and seized back the smuggled tobacco. It was really a case of dacoity. Besides, the Excise Commissioner brought to my notice a list of persons who are reported to be smugglers. Sir, the fact is that the rich and influential men of the locality are really interested in this smuggling. They finance the smugglers. Their richness gives them respectability; and their respectability gives them reliability. Smuggling seems to be the chief business in the locality. I questioned a number of people of the locality. Most of the smugglers are rich people.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the persons were rich even before, or whether they grew rich by smuggling?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I am simply giving the information which I gathered as a result of careful investigation. The list of smugglers which I have got is strictly confidential and in the interests of justice the list should not be divulged at this stage. I have given orders to the subordinate officers to render assistance to the Excise authorities.

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Mr. Kuriakose brought to me certain complaints. I accompanied him to the spot. A number of petitions by vakils were given to me. The petitions had already been written up. From the nature of the enquiry conducted by me, I can say that the place is full of smugglers. I asked the vakils and other petitioners who were present there, if they can tell me the names of the smugglers. They said 'no'. Then I asked them whether they could identify the persons in my list. They were terribly afraid of answering 'yes'. They were afraid of their own lives. I challenged Mr. Kuriakose himself to give me information on this point.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I may say for the information of this House that I have promised to give the Commissioner all help.

MR. P. C. KURIYAN (*Kottayam I*) : If the Commissioner of Police is satisfied that there is a smuggler in a certain locality why should he seek the helf of other people ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : I know that there are ever so many smugglers. But on that knowledge I cannot go and catch them. I must catch them red-handed.

MR. P. C. KURIYAN (*Kottayam I*) : Am I to understand that the Commissioner of Police coolly admits that he is unable to deal with these smugglers ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : He has made a list of the suspects, and coolly and calmly he will deal with them later on.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): May I know whether any cognizable case has been taken up, by the Reserve Police, against these people ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : No. A complaint has been made to them.

MR. M. SIVATANU PILLAI (*Tovala*) : Is he prepared to disclose the nature of the complaint ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : It is under enquiry and I cannot disclose it.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : May I know whether he is prepared to express regret for what has happened ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : I am prepared to express regret if after enquiry I find that the Police were really to blame.

MR. V. T. CHACKO (*Muvattupuzha I*): May I know how many smugglers were arrested by the Police ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : Two or three were arrested,

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : May I know whether he was convinced that many innocent people were assaulted at the spot?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : No, not yet.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Am I to take it that he considers that no assault was made ?

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MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I have not finished my enquiry. I grant that some thing has happened.

MR. M. SIVATANU PILLAI (*Tovala*): What was the necessity for sending the Reserve Police? Was it because the local Police were not capable of handling the situation?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Yes.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Which is the nearest Police Station?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Muvattupuzha.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know the distance between Muvattupuzha and the scene of occurrence?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): 15 miles. There is an out-post manned by four or five constables.

There is another difficulty. The charge was made against the Police and the Excise. So far as the Police is concerned I will do justice. But the difficulty is the question of identification.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): May I know whether the Policemen were in uniform or in mufti?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I cannot disclose that. Some men might have been in uniform and some in mufti.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the Police Commissioner, when he was there, enquired whether some of the Reserve Police went into a toddy shop to beat some people?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): They might have gone there in search of smugglers. The Excise people were taking the Police all over the place in order to trace the dacoits. They went to a place; they were surrounded by a crowd; and they dispersed the crowd. This seems to have been given a very serious aspect.

Unfortunately, Sir, a sort of communal colour has been given to this incident. I was told that the Excise and the Police force was composed of Nairs and that the smugglers were all Christians. The Christians of the place seem to think that this was done deliberately by the authorities of the Excise and the Police departments.

MR. P. C. KURIYAN (*Kottayam I*): Who is the head of the Reserve Police?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): A very level-headed and well-conducted graduate of the Madras University, Inspector Mr. Oosman, a Mahomedan.

After enquiry, I came to the conclusion that it was very necessary for the Excise that the Police should work as auxiliaries; there must be a partnership between them so that the revenue may not go down. That is necessary till the Excise force is brought up sufficiently to depend upon itself.

The Reserve Police undoubtedly handle such situations very nicely. I had experience of that at the Alleppey riots. They came in for a lot of compliment from the people. But a more serious situation prevails now in Muvattupuzha. The place is like a bee-hive. The smugglers seem to think that the Police have come to take away the honey from their combs.

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MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the District Magistrate of the locality was informed of the seriousness of the position.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Not only the District Magistrate, but also the Government. I am doing all that is expected of me.

Sir, all these vakils want a punishment to be inflicted on the Excise and the Police. It is difficult for the Commissioner of Police to do that without making further enquiries.

PRESIDENT: I take it that what the honourable member means is that he has made some enquiries and that he is giving all the information he has collected.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Now the situation is very calm. That is admitted by the honourable member who moved the adjournment motion. But I have not ceased the enquiry. Investigation is still going on. If any party has a complaint, and if it is real, that shall be looked into. The wrongs that have taken place shall be set right. At present there is no danger. The danger has passed. Though the hands of the authorities are attempted to be weakened, I am bound to hear the complaints. Instructions to that effect have been issued to the officer who is going on with enquiry at the spot.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Am I to take it that the people of the locality do not want the help of the Police so that smuggling may be resumed?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The Police are a great hindrance to them. The people of the locality think that they could handle the Excise people. But, when the Police are there, perfect calm prevails. Therefore the Police are a great hindrance.

MR. K. R. ELENKATH (*Kalkulam I*): Is it the member's view that smuggling could not be prevented without Police help?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The Reserve Police was sent there as a tentative measure. So far as the Excise department was concerned, the Police have to work in conjunction with them.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): What I heard the Commissioner to say was that the Reserve Police were deputed to assist detection. If so, my point is whether they had the necessary authority to enter the houses of the smugglers?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There is the Station House Officer. So far as cognizable cases are concerned, no warrant or authority is necessary.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Suppose the Inspector in charge of the forces was not competent to deal with such cases, what will happen?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There is the local Police as well as the Reserve Police. They work together.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Was any authority given to the Inspector of the Reserve Police to enter into houses to find out cases of smuggling?

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MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No, but the Police Officer at the spot has all power necessary for investigation.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Then am I to take it that the Reserve Police were entering into the houses without the necessary authority from the Station House Officer.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No, I said that the Reserve Police were working with the local Police.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I heard the member to say that the Police went in to a toddy shop?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): They did so when the local police officer was there by way of assistance.

MR. M. SIVATANU PILLAI (*Tovala*): Was the Government informed of the necessity for taking the Reserve Police.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The Government know all about it.

MR. M. SIVATANU PILLAI (*Tovala*): Was it after getting the orders of Government that the Reserve Police was sent to Muvattupuzha?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No.

MR. K. R. ELENKATH (*Kalkulam I*): Was any previous notice given to the people that the Reserve Police were arriving,

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No. It was not a case of opening fire. In regard to the detection of smuggling, the Police have to make surprise visits. I have nothing more to add.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I wish to offer a few remarks on the motion before the House To me it appears that this motion has been brought up as a result of a serious misunderstanding of the situation. The matter contained in the first portion of the motion deals with law-lessness on the part of the Reserve Police. I was a little pained to hear this matter discussed now, because, in the morning it was stated that some the Policemen numbering about 300 or so should be rewarded for their behaviour. In the evening the matter appears to have undergone some change.

It is said that about 22 men of the Reserve Police committed acts of law-lessness. It is impossible for me to believe that they would be guilty of the terrible deeds alleged. But as the Police Commissioner himself has stated, there is some justification for the Reserve Police doing even such deeds. From the letter read out to the House it could be seen that the Policemen had to disperse an assemblage, of about 30 to 40 people, in defiance of Police orders. What exactly happened after the assemblage, that letter does not say. Whether there was any shouting, jeering or mocking at the Police is not known. For the the attitude of the people, as disclosed to the House by the speeches of the Commissioner as well as Mr. Kuriakose the mover, what the Police had done was justified. Moreover, this is a matter affecting the people of the locality. When the Police order that the crowd should be dispersed, and if the order is disobeyed, it is open to the Police to take action. It is within their power to charge the crowd. Sir, there was in the crowd, the gentleman who had gone to England

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and returned. It is not clear for what purpose he went to England and why he returned. It is said that this gentleman was assaulted. Whether he took any part in setting up the smugglers, or whether he was jeering at the Police or obstructing them, the House has no definite information about. It is for the Commissioner to get at the truth in the matter. At any rate there is much difference between this gentleman and the others. Anyway, this man has been brought to the scene and trumped up as it were as a big man. So, what I gather, is that there is suppression of information on both sides. Only after investigating the whole matter we shall be in a position to say anything definite about the matter. It appears to me that it is premature, so far as this House is concerned, at this stage, to express an opinion on what is contained in the first part of the motion for adjourrment.

If the Commissioner of Police and Mr. Kuriakose are prepared to place facts before us unbiased, that is to say, simple truths, we would be in a position to judge them and come to a proper conclusion. That is what ought to be done under the particular circumstances. No member of the House will allow any excess on the part of the Police officers, whether he be a Station House Officer, Reserve Police Officer, or ordinary Policeman or even the Commissioner. We would certainly condemn that. If in bringing the offenders to book, these officers armed with proper authority from the Station House Officer, entered the houses of suspects, and if they were then prevented or foiled or abused, then Sir, there is every justification on their part to resort to these methods. No one has a right to behave in an unlawful manner. Law has got to be enforced. That being so, this House has little to do with the first part of the motion.

Again, if the Government had issued a communique on the subject, after an investigation of the truth of the matter, it could be gone into by us. It is open to the House to say what the Government did was wrong, in excess of their powers and therefore improper. This House could have suggested the manner in which the enquiry was to be proceeded with. Now there are plaints and counter-plaints.

PRESIDENT : Is there any plaint now ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I am simply referring to the complaints, Sir. This is only a case of allegations and counter-allegations between party and party.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I ask the member, whether the Police Commissioner has not accepted my statement ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : No.

The Police Commissioner, a gentleman of suave manners has a peculiar way of dealing with the honourable members of this House. In operating upon the situation, with his tactfulness, he might have said something. It is very clear from his statement that even Mr. Kuriakose was not in a position to give the names of the smugglers which the Commissioner was able to detect. I only congratulate Mr. Kuriakose on the attitude he has taken in the question at issue.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know how the member concluded like that ?

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May be a mistaken idea. But that is what I gather from the Police Commissioner's statement. Every man is entitled to have some protection. If there was any violation of law by resorting to unlawful means, there is absolutely no case for the Government to interfere on behalf of individuals. If it is established that there is lawlessness in a place, that smuggling was being carried on, is it not open to Government to take strong measures for the purpose of putting down lawlessness, for preserving order where there is disorder, for maintaining the dignity and prestige of the Government and their officers?

MR. K. R. ELENKATH (*Kalkulam I*): Is it the member's view that law-lessness should be met by law-lessness?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Need not be. But law-lessness should be met by lawfulness. If I am assaulted, for instance, I am entitled to protect myself. There are certain occassions when you are entitled to protect yourself.

PRESIDENT: Not here at any rate.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): At any rate, by lawful methods, the situation can be met. Some times lawful methods will appear to be unlawful. Whether there was any justification for the Policemen to act in the particular manner, we shall examine. Well, this is a matter which could be decided only after a thorough investigation. As Mr. Kuriakose himself has admitted that the Commissioner has taken the full responsibility in the matter, is it not fair, in the interests of justice, that the matter should be left to be disposed of by him entirely?

MR. K. M. KURIAKOSE (*Muvatupuzha II*): Is it the idea of the member that Police excesses can be justified under any circumstances?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): As I said, Sir, if I am assaulted by anybody, I have the right to protect myself.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know how?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I mentioned that, only as an instance. If my friend could look into the commentaries of the Indian Penal Code, there are ample safeguards. There is the protection afforded to the Police officers under the Police Regulation. I ask, when the Police see as unlawful assembly of men armed with deadly weapons, what should they do? Are they not entitled to use some force?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Was any case made out to that effect?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): That is what I think; and I am not alone in that. Mr. Kunjukrishna Pillai has told us that he has received some reports contrary to what has been said by the mover. He has been addressed by very many gentlemen from that locality.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Is it not a conjecture?

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : No. The honourable gentlemen who have written to us do not stand on a different footing from the other gentlemen who have informed my friend. We have been called upon to give publicity to the petitions we have received. Why should we presume that the Police have committed excesses. The Police who were entrusted with the proper control of the affairs might have exercised some force which the occasion demanded. We have heard what the member has said. We have also heard what the Police Commissioner has stated. He has investigated the whole matter ; but the investigation is not complete. It may be possible for him to find out the offenders and bring them to book. So it is not necessary to appoint a Committee as suggested in the resolution.

Now I may be permitted to go to the second part of the resolution, with regard to the smuggling. Every one of us agree that some strong measures should be adopted for the purpose of preventing smuggling. In the High Court some case was brought up Now these gentlemen may be convicted ever so many times from year to year. But they carry on the same thing as long as they want. Year after year the Excise Commissioner is complaining that bamboos were destroyed either by natural causes or by interested smugglers. He says that ditches should be dug involving very large expenditure. It appears that there are lands belonging to the Excise Department, but these people would not leave possession of the lands. They would repeatedly take the yield and then suffer to be prosecuted and convicted. The process may go on even six times a year. There may be six prosecutions against the same man in every year ; and these prosecutions go on endlessly. Sir, these cases are being held up and are not disposed of quickly. The Magistrates do not meet out the maximum punishments. The Magistracy must be efficient, the Police must be strengthened and honest Policemen must be posted there. For that no committee is necessary. This is a matter that has been engaging the attention of the Government. Remedies were suggested, but those remedies were not accepted for want of sufficient funds. Any way, if Government bestow some attention upon this matter, if they spend some money in the proper direction, and if Government issued proper instructions to the Police and to the Magistracy, I am quite sure that, with the force that is at the disposal of the Government, they will be able to restore peace and order. They will be able to enforce law and order in those places which are reported to be places of lawlessness. I submit that for this purpose no Committee is necessary. In the second place the Excise Commissioner gave out a pathetic version of what the Excise peons did. It affected me very much. Some of them were armed with rifles ; and they must have been provided with extra cartridges also. When one after another the cartridges were exhausted what happened to them ? I wonder what these Excise men did with these cartridges. I do not know what they do with cartridges. That is a vital point that has to be dealt with by the Excise Commissioner.

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SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Is the member aware that generally rifles cast away as useless in the Military Department are given to the Excise peons.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Even if the rifles are bad, if they are meant for the purpose of keeping the decoits at bay, I think these peons must be trained to use them. If I am given a rifle, even if it is bad, I will surely keep the criminal at bay for some time. That is what appears to have happened. When the case goes to a court of law, we will then have to consider how these Excise men took to their heels, what happened to their cartridges, who robbed them, where are the *tondi* articles etc. To effectively deal with the decoits only men who are trained to use rifles should be appointed. The Excise Commissioner should be asked to devote at least one hour for the purpose of enquiring into these things since we stand to gain Rs. 20 lakhs every year. An hour's time daily spend on this account by the Excise Commissioner will not be a waste. If the Excise people are able to show an increase in revenue, we will be glad to offer rewards to them. All that I say is that the Excise Department should tackle this problem very seriously. With these words, I oppose the motion.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I wish to speak a few words in support of the motion before the House. It is not a single motion but two motions put together. About the second, all sides of the House are agreed that all is not well on the western frontier and that smuggling is going on, on a large scale there. To that extent the mover has succeeded and has made out a case for an enquiry. About motion No. 1 there seems to be some difference of opinion. Mr. Kottur Kunjukrishna Pillai has said that he has got two kinds of version, one version given by the mover and another very different from that. According to me that is just the case for an enquiry. Sir, if there is only one version there is no need for a fresh enquiry, while if there are two kinds of versions, only a fresh and impartial enquiry could bring out the truth. So in that case also the mover has succeeded in his object *i. e.*, making out a case for an enquiry. Now I proceed to another aspect of the question. I am very sorry to note that many unfortunate things have been given expression to in the course of this discussion. Mr. Kunjukrishna Pillai has said in the course of his speech that some churches were being made use of in the act of smuggling by these smugglers. The Excise Commissioner has remarked that many of the so-called respectable people in the locality were indirectly helping the smugglers and that he knows the names of several priests who are in the know of things. The Police Commissioner has said that most of the rich people of the locality have become rich by smuggling and with the wealth obtained by smuggling they have become respectable, and that many of the vakils in the place who could give information about the smugglers did not give such information and that all the agitation about the Reserve Police was only a clever device by the people of the locality to get the Reserve Police removed and thereby carry on the work of smuggling. Further he went on to

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add that there was something of a communal nature in all this agitation as most of the Police and Excise staff were Nairs while the smugglers were all Christians. Sir, these are very serious allegations. In the first place a whole locality is condemned as being the den of smugglers, a whole community condemned as smugglers and their sacred Churches and priestly order accused as helping this notorious trade. I ask the Excise Commissioner who claims to know every inch of the locality and the people helping these smugglers directly or indirectly, why he has not booked them as yet. If he does not do so there are only two possible inferences; one that he does not want to book them, the other even if he wants he is not able to book them. In either case I say that he is not fit to hold the place he is now occupying *i. e.*, the head of the Excise Department. Sir, you have just now said that there is an annual loss of Rs. 10 lakhs by this organised smuggling on the western frontier. Who is responsible for this loss of revenue to the State? I would say, certainly the Excise Commissioner. If I were in his place I would not have allowed this sort of thing to continue long. Now, Sir, about the observations of the Police Commissioner, he says he knows most of the smugglers and the people in the know of things. I ask him why in that case he is keeping quiet. Is it not an admission of weakness or helplessness on his part? If I were the Police Commissioner, with the information he claims to possess I would have proceeded against all these people and booked the miscreants one and all. The most unfortunate part of the business was the attempt to give a communal colour to the whole incident. The Commissioner says that most of the officers in the Excise and Police Departments are Nairs and that is the reason why the people of the locality, who are Christians, complain about them. This is a very curious explanation and perhaps the unkindest cut of all. If all these officers are Nairs, whose fault is it? Did the people of the locality want it, or is it in spite of their demand for equal opportunities for all. Assuming for the moment that there is some force in the remarks of the Police Commissioner, I say that it is the strongest argument in favour of an open and impartial enquiry into the whole matter. Sir, when there is so much of communal bitterness in the country and when members of one community complain about the conduct of the members of another community, the Government cannot certainly keep quiet. An enquiry has certainly to be made and the miscreants, whether they are Christians or Nairs, Government servants or private individuals, have to be given exemplary punishment and the revenues of the State have to be safeguarded, and the majesty of the land maintained.

PRESIDENT: The House will now adjourn to meet again tomorrow at 11 'o clock.

The House adjourned at 5-30 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

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